

ENTERED

September 07, 2017

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE:

TECHNICOOL SYSTEMS, INC.

DEBTOR

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CIVIL ACTION NO. 4:17-CV-1222

BKRCY CASE NO. 15-34435-H1-7

MEMORANDUM

I.

This case, on appeal from the Bankruptcy's Court's Order, approving employment of counsel pursuant to 11 U.S.C. § 327(c) raises the question of whether the appellant, Robert Furlough, who is not a creditor [no proof of claim filed], and has no stake in the outcome of the Estate, has standing to object to the appointment of counsel who concurrently represents a creditor. The Court is of the opinion and HOLDS that the appellant has no standing.

II.

Section 327(c) provides an exception to the disqualification for employment of counsel who is representing or has represented a creditor in the same proceeding. Section 327(c) provides in part that: “. . . unless there is objection by another creditor or the United States trustee. . ., or the court determines that . . . there is an actual conflict of interest . . .”, § 327(a) does not apply.

The evidence presented and the arguments made by the appellant do not support a finding of either; that the appellant is a creditor or that an actual conflict of interest exists.

See Younger v. Nat'l Union Fire Ins. Co. of Pittsburgh, 995 F.2d 547, 548 (5th Cir. 1993). Therefore, the judgment of the Bankruptcy Court is AFFIRMED.

It is so ORDERED.

SIGNED on this 7th day of September, 2017.

A handwritten signature in black ink, appearing to read "Kenneth M. Hoyt", written over a horizontal line.

Kenneth M. Hoyt
United States District Judge